IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 26448 of 2007(W)

PETITIONER:

K.ABDULLA ALIAS KUNHABDULLA,
S/O NELLOLIVYDIAR MOOSA, AGED 63 YEARS,
RESIDING AT 'KANDOTHINTAVIDA HOUSE',
PULLUKKARA VILLAGE, THALASSERY TALUK,
P.O.PULLUKKARA, KANNUR DISTRICT.

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.R.O.MUHAMED SHEMEEM

RESPONDENTS:
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1. UNION OF INDIA,
REPRESENTED BY DIRECTOR(I & C),
MINISTRY OF HOME AFFAIRS.

2. GOVERNMENT OF KERALA,
REPRESENTED BY THE SECRETARY,
HOME(SSB)DEPARTMENT,
THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR,
KANNUR DISTRICT, KANNUR.

4. THE SUPERINTENDENT OF POLICE,
KANNUR DISTRICT, KANNUR.

BY ADV. SRI.C.S.AJITH PRAKASH, CGSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 26448 OF 2007

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Dated this the 20th day of September, 2007

J U D G M E N T

The petitioner came into India with a Pakisthan Passport and joined his family here. Thereafter he submitted Ext.P5 application under Section 5(I)(c) of the Citizenship Act, 1955. His visa has expired on 29/8/07. Since finality has not been given to Ext.P5, petitioner apprehends that he will be arrested and detained. It is in these circumstances, this writ petition has been filed.

2. Learned counsel for the 1st respondent submits that Ext.P5 is dated 14/8/07 and this has to be made through the District collector and the State Government, would not have reached the Central Government by now. Learned Government Pleader submits on instructions that though the petitioner is living within the jurisdiction of the 4th respondent, he has not come across any incident involving any illegal activity committed by him.

3. Now that the petitioner has submitted Ext.5 under Section 5(I)(c) of the Citizenship Act, to the District Collector, in terms of Rule 9 of the Citizenship Rules, the Collector is to transmit the application to the State Government alongwith a report as required in the said rules. It is thereafter for the State Government to forward the said application to the Central Government for final orders. Since Ext.P5 has been submitted to the Collector only on 14/8/07, the Collector is to make enquiry and thereafter make report as indicated above.

4. Accordingly, I dispose of this writ petition directing the 3rd respondent to make his report to the 2nd respondent. On receipt of Ext.P5 with the report from the 3rd respondent, the 2nd respondent shall thereafter forward it to the 1st respondent for passing final orders on Ext.P5.

5. The 3rd respondent shall within one month from today make his report to the 2nd respondent and on receipt thereof, the 2nd respondent shall forward the same to the 1st respondent within one month thereafter. On receipt of Ext.P5 from the 2nd respondent, 1st respondent shall pass orders thereon, within three

months thereafter.

6. Until orders are passed as above, the petitioner shall not be arrested, detained or deported. However, the petitioner is directed to report before the 4th respondent once in two weeks.

With the above directions, the writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp